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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,122	09/18/2006	Manfred Meinherz	2004P04296	9387

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EXAMINER

TALPALATSKIY, ALEXANDER

ART UNIT	PAPER NUMBER
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2832

MAIL DATE	DELIVERY MODE
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07/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,122	Applicant(s) MEINHERZ ET AL.	
	Examiner ALEXANDER TALPALATSKIY	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/04/2009 have been fully considered but they are not persuasive. The applicant argues that the Peek reference used in the rejection describes rotational motion in one of the output shafts and not both shafts as claimed because the blocking device would block the rotation. The examiner disagrees with this argument. While it is true that Peek discloses reciprocating motion, rotational motion is also shown as stated in the prior rejection. In figures 1 and 2 for example, blocking devices (6,7) have structure that allows for rotation of the output shaft before reciprocation. This is identical to the function of the blocking device in the applicant's invention that allows rotation before blocking. Rotation is caused by attraction of the opposite poles of magnetic members 3 and 4 as the input shaft is rotated. It is clearly illustrated in the figures that blocking devices comprise structures that would allow for some rotation before becoming active in a blocking function. Furthermore, in figures 5 and 6, and in the specification in lines 29-53 of column 3, rotation of the output member is explicitly discussed. Thus the prior art still anticipates the claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Peek et al. (US 2790095).

4. In re claim 7, Peek et al., in figures 1-6, discloses a device comprising an input shaft and an output shaft, a magnetic coupling connecting said input shaft and said output shaft, said magnetic coupling (between members 3 and 4 connected to the shafts) having at least two magnet pairs and enabling a reversal in direction of rotation between said input and output shaft; a blocking device (6,7) disposed to limit a rotatability of said output shaft in a first direction of rotation and said blocking device being operational, and as a function of magnetic forces emanating from said magnetic coupling, to cause said output shaft to rotate in a second direction of rotation opposite to the first direction of rotation, said output shaft having only rotational movement in the first and second directions.

5. In re claim 8, Peek et al., in figures 1 and in the description of figure 1 in the specification, discloses that said input shaft is moved and continues to be moved when said output shaft is blocked.

6. In re claim 9, Peek et al., in figure 1 and in the description of figure 1 in the specification, discloses a transition to the second direction of rotation of said output shaft is a substantially sudden transition.

7. In re claim 10, Peek et al., in figure 1, discloses said blocking device is a first blocking device (6), and a second blocking device (6') is disposed to cause a reversal of a movement of said output shaft from the second direction of rotation to the first direction of rotation.

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8. In re claim 11, the method steps described are inherent in the structure of the apparatus.

9. In re claims 12 and 13, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. ***Ex parte Masham, 2 USPQ2d 1647 (1987).***

10. In re claim 14, Peek et al., in figures 1-6, discloses that the output shaft, when operational, only has rotational movement in a first and a second direction of rotation opposite to the first direction of rotation.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A list of pertinent prior art is attached in form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER TALPALATSKIY whose telephone number is (571)270-3908. The examiner can normally be reached on Monday - Friday, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elvin G Enad/
Supervisory Patent Examiner, Art Unit 2832

Alexander Talpalatskiy
Examiner
Art Unit 2832